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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|---------------------------------------|-------------|----------------------|---------------------------|------------------|
| 10/798,537 | 03/11/2004 | Yoshihide Nishimura | 9369-99US)T37-164860M/AIO | 6479 |
| 570 | 7590 | 09/22/2005 | EXAMINER | |
| AKIN GUMP STRAUSS HAUER & FELD L.L.P. | | | NGO, LIEN M | |
| ONE COMMERCE SQUARE | | | ART UNIT | |
| 2005 MARKET STREET, SUITE 2200 | | | PAPER NUMBER | |
| PHILADELPHIA, PA 19103 | | | 3727 | |

DATE MAILED: 09/22/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/798,537

Applicant(s)

NISHIMURA ET AL.

Examiner

LIEN TM NGO

Art Unit

3727

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 28 July 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-10 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-10 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date 9/20/04
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

DETAILED ACTION

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 1-3 and 10 rejected under 35 U.S.C. 102(b) as being anticipated by Mortara (3,499,571). Mortara discloses, in fig. 1, an activate device for a cover comprising a container 1, a pivot arm 13, a pivot unit driving 12, a plate spring 7 having a first portion fixed to the pivot arm and a second portion fixed to the cover, wherein a portion provided between the first and second portion is bent.
3. Claims 1, 2 and 10 are rejected under 35 U.S.C. 102(b) as being anticipated by Thompson (4,652,888). Thompson discloses, in fig. 1, an activate device for a cover comprising a container 17, a pivot arm 42, a pivot unit driving 28, a plate spring 58 (see fig. 6) having a first portion fixed to the pivot arm and a second portion fixed to the cover.

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 4, 5, 7 and 9 rejected under 35 U.S.C. 103(a) as being unpatentable over Mortara in view of Hama et al. (4,680,969).

Mortara does disclose a plurality of plate springs provided.

Hama et al. disclose, in fig. 4, a leaf spring comprising a plurality of plate springs. It would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the plate spring of Mortara with a plurality of plate springs, as taught by Hama et al., in order to enhance the resilient mechanism for the spring.

6. Claims 1-10 are rejected under 35 U.S.C. 103(a) as being unpatentable over Spengler in view of Hama et al. (4,680,969).

Spengler et al. (4,516,859). Spengler et al. discloses, in figs. 1 and 2, an activate device for a cover comprising a container 2, a pivot arm 6, a pivot unit driving 5, a plate spring 8 (see further in col. 3, lines 1-20) having a first portion fixed to the pivot arm and a second portion fixed to the cover. The pivot unit is an electric motor and a reduction gear, which is well known in the art.

Spengler et al. do not disclose the spring plate comprising a plurality of plate springs, which are bent.

Hama et al. disclose, in fig. 4, a spring plate comprising a plurality of plate springs which are bent.

It would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the plate spring of Spengler with a plurality of plate

springs, as taught by Hama et al., in order to enhance the resilient mechanism for the spring.

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to LIEN TM NGO whose telephone number is 571-272-4545. The examiner can normally be reached on Monday through Friday from 8:30 AM -6:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, NATHAN NEWHOUSE can be reached on 571-272-4544. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

LIEN TM NGO
Primary Examiner
Art Unit 3727

September 19, 2005

